

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONTBLANC-SIMPLO GMBH, et al.,

Plaintiffs,

-against-

COLIBRI CORPORATION, et al.,

Defendants.

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MEMORANDUM AND ORDER

07-CV-5422 (KAM)(RLM)

MATSUMOTO, United States District Judge:

Presently before the court is a Report and Recommendation issued by Magistrate Judge Roanne L. Mann on January 19, 2010, recommending that the court grant in part and deny in part plaintiffs' motion for default judgment and enjoin defendant and its successors in interest from future infringement of plaintiffs' trade dress designs for the Starwalker Pen and Panerai Luminor watches. (Doc. No. 42.) Notice of the Report and Recommendation was sent electronically to all parties via the court's electronic filing system on January 19, 2010. Pursuant to this court's February 4, 2010 Order, plaintiffs served a copy of the Report and Recommendation on the defendant's receiver and filed a certificate of service on February 5, 2010. (Doc. No. 43.) As explicitly noted at the end of the Report and Recommendation and in this court's February 4, 2010 Order, the parties had a right to file written objections to the Report and Recommendation within fourteen days of receipt of it. (Doc. No. 42 at 21; 2/4/10 Order.) The statutory period for filing

objections for all parties has lapsed, and no objections to Magistrate Judge Mann's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a careful review of the Report and Recommendation, and considering that defendant has failed to object to any of Magistrate Judge Mann's well-reasoned recommendations, the court finds no clear error in Magistrate Judge Mann's Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court.

Plaintiffs are directed to submit a modified proposed permanent injunction, limiting injunctive relief to those products which properly fall within the description of the trade dress designs for the Starwalker Pen and Panerai Luminor watches as set forth in Judge Mann's Report and Recommendation and adopted in full by this court. Plaintiffs shall file the

modified proposed permanent injunction via ECF no later than
3/2/10.

SO ORDERED.

Dated: February 26, 2010
Brooklyn, New York

_____/s/
Kiyo A. Matsumoto
United States District Judge